

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 PERRY M. ROTHERMEL,)
09 Petitioner,) CASE NO. C11-1161-JLR-MAT
10 v.)
11 JEFFREY UTTECHT,) ORDER DENYING REQUEST FOR
12 Respondent.) APPOINTMENT OF COUNSEL

14 Petitioner Perry M. Rothermel proceeds *pro se* and *in forma pauperis* (IFP) in this
15 habeas case. He seeks appointment of counsel to represent him. (Dkt. 14) As petitioner's
16 petition was only recently served, there is no response from respondent. Now, having
17 reviewed petitioner's request, as well as the remainder of the record, the Court does hereby find
18 and ORDER:

19 (1) Petitioner's motion for appointment of counsel is DENIED. There is no right
20 to have counsel appointed in cases brought under 28 U.S.C. § 2254 unless an evidentiary
21 hearing is required. *See Terravona v. Kincheloe*, 852 F.2d 424, 429 (9th Cir. 1988); *Brown v.*
22 *Vasquez*, 952 F.2d 1164, 1168 (9th Cir. 1992); and Rule 8(c) of the Rules Governing Section

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01 2254 Cases in the United States District Courts. The Court may exercise its discretion to
02 appoint counsel for a financially eligible individual where the "interests of justice so require."
03 18 U.S.C. § 3006A. Here, petitioner fails to demonstrate that the interests of justice are best
04 served by appointment of counsel at the present.

05 (2) The Clerk is directed to send a copy of this Order to the parties and to the
06 Honorable James L. Robart.

07 DATED this 26th day of September, 2011.

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10 Mary Alice Theiler
11 United States Magistrate Judge
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